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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,160	04/28/2005	Masatoshi Kanayama	NIS-16015	4340

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EXAMINER

RICK, JASON D

ART UNIT

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2142

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/529,160

**Applicant(s)**

KANAYAMA ET AL.

**Examiner**

JASON RECEK

**Art Unit**

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3.6 and 9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3.6 and 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

### **DETAILED ACTION**

This is in response to the RCE filed on June 13<sup>th</sup> 2008 which concerns application 10/529160.

#### ***Status of Claims***

Claims 1-2, 4-5 and 7-8 have been cancelled.

Claims 3, 6 and 9 are pending.

Claims 3, 6 and 9 are currently rejected under 35 U.S.C. 103(a).

#### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 13<sup>th</sup> 2008 has been entered.

#### ***Response to Arguments***

2. Applicant's arguments filed 6/13/08 have been fully considered but they are not persuasive.

Applicant's argument that Hanai cannot be modified in the way suggested (by moving the processing from the server to the client) is not persuasive. Applicant argues that by modifying in this way Hanai becomes inoperable for its intended purpose (pg. 12). Applicant states that the selection operation must be carried out by the shopping server because the shopping DB contains the necessary information and it is located on the host side of the system (pg. 13). However this is not the case. In the system of Hanai the shopping DB is in fact located on the host side of the system but as can be seen from Fig. 1, the clients have access via the network to the shopping server and shopping DB. Therefore the processing (selection operation) can be moved to the client without rendering the system inoperable since the client has access to the shopping DB over the network.

Applicant argues that Hanai does not teach "a means for requesting a display permission from said host computer for displaying said selection information ... or displaying said selection information onto said display section" as recited by claim 3. This argument is not persuasive. Applicant states that "examiner has attempted to interpret a log-in as a display permission request" and that the underlying item to be displayed is wholly lacking (pg. 14). However applicant fails to explain why a log-in is not a display permission request or how the underlying item (i.e. selection information) is missing. Since the statement is a mere conclusion without support, it is not persuasive.

The amendment to claim 3 does not render it patentable over the art. See below for a detailed explanation.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3, 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanai et al. US 2006/0085282 A1 in view of Yankovich et al. US 2003/0110443 A1.

Regarding claim 1, Hanai discloses: "a plurality of user terminal devices each having an operation section and a display section and connected to a communication network" as terminals connectable to communication networks (pg. 3 paragraph 59, Fig. 1);

"a host computer connected to said communication network for communicating with said plurality of user terminal devices and obtaining user information from said user terminal devices" as a server (pg. 3 paragraph 58, Fig. 1);

"combined equipment selection system receiving service equipment information on a service equipment which a user wishes to use" as a user entering information about the equipment (pg. 1 paragraph 10);

"selecting one or more other combined equipment which is different from said service equipment and is suitable for being combined with said service equipment based on said service equipment information" as selecting equipment that is suitable for use based on the user entered information about the equipment (pg. 1 paragraph 13);

"displaying selection information on said combined equipment onto said display" as displaying the equipment to the user (pg. 1 paragraph 15, Fig. 10);

"user terminal devices includes: a means for storing said user information" as a database for storing user information (pg. 3 paragraph 59, 61-63 Fig. 2); and

"a means for storing constant data on said service equipment" as a database for retrieving information about the equipment (pg. 3 paragraph 59, 61-63, Fig. 2).

Hanai does not explicitly disclose "[user terminal device including:] a means for storing variable data [...] transmitted from said host computer" however Hanai teaches a database connected to the server which holds updated items (pg. 6 paragraph 83) these updated items would be necessary for proper selection. Although Hanai does not specifically disclose that the database holding the updated (variable) items is included at the user terminal, Yankovich teaches that information processing can be performed at the client (paragraph 69).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hanai by performing the processing (selection system) on the client as taught by Yankovich for the purpose of reducing server load. Yankovich teaches that by doing so the system may support a greater number of clients (paragraph 69). In order to perform this processing a means for storing data would necessarily be included at the client device for the purpose of receiving and storing information.

Hanai discloses "a means for receiving said variable data from said host computer on condition that said user information is transmitted to said host computer, and updating said variable data which has been stored" the variable data memory is a database which is updated with new information (pg. 6 paragraph 83), and such data is sent to the user after sending user information (pg. 8 paragraph 115).

Hanai does not specifically disclose, "a means for carrying out a selection operation which selects one or more other combined equipment which is different from said service equipment and is suitable for being combined with said service equipment, based on model information and operational conditions of said service equipment entered from said operations section, whereby said constant data and said variable data are stored" included on the user terminal, however Hanai does disclose a system that recommends items which are different from the selected item or item already in possession and such recommended item is based on user information and item information (pg. 1 paragraph 13, pg. 5 paragraph 70-1) but in the pictured embodiment

(Fig. 1, 4) the selection system resides in the server and not in the user terminal.

Yankovich discloses processing information on the client side of a client-server system (paragraph 69) for the purpose of reducing the load on the server.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hanai by performing the processing (selection system) on the client as taught by Yankovich for the purpose of reducing server load. Yankovich teaches that by doing so the system may support a greater number of clients (paragraph 69).

Hanai further discloses, "a means for requesting a display permission from said host computer for displaying said selection information [...] and displaying said selection information onto said display section only when said display permission is obtained from said host computer" as a log-in where a user must be authenticated before information is displayed, if authentication fails, the user is directed to register (pg. 8 paragraphs 114-17);

"wherein said host computer includes a means for storing said user information and said selection information obtained from said user terminal device" as a database connected to the server which stores user information (pg. 5 paragraph 73-74, Fig. 4);

"means for identifying an input from said user terminal device" as an input processor (paragraph 59, 64); and

"means for transmitting updated said variable data to said user terminal device when said means for identifying said input from said user terminal device identifies that



only said user information is entered from said user terminal device" as transmitting information to the user after checking input information (pg. 8 paragraph 115).

Regarding claim 6, it corresponds to claim 3 and therefore is rejected for similar reasons.

Regarding claim 9, it is a computer readable medium claims that correspond to the system of claim 3, Hanai discloses the system of claim 3 in a computer network environment and thus inherently discloses that the system is performed on a computer readable media.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON RECEK whose telephone number is (571)270-1975. The examiner can normally be reached on Mon - Thurs 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2142

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason Recek/  
Examiner, Art Unit 2142

/Andrew Caldwell/  
Supervisory Patent Examiner, Art Unit 2142